

REMARKS

No claims have been amended or cancelled. Claims 1-3 and 9-14 are pending.

The Examiner has reopened prosecution and has rejected the pending claims based on the reference to Ananda (U.S. 6,385,731). Applicants wish to note that this is the same rejection previously made in the parent case (Serial No. 09/846,676). This reference has already been addressed in the Preliminary Amendment filed in this application on July 22, 2003. In the Office Action dated July 2, 2004, responding to the Preliminary Amendment, the Examiner withdrew the rejections based on this reference (Page 11, Section 9.1, of the Office Action states "All rejections and objections of the previous Office action not repeated or modified and repeated here in have been overcome by applicant's last response.") The present Office Action does not address the comments Applicants made in the Preliminary Amendment of July 22, 2003, and after considerable time, energy and expense, the prosecution of this case is at the same place it was nearly four years ago through no fault of the Applicants. Despite the fact that the Applicants responded to the present rejections in the Preliminary Amendment of July 22, 2003, Applicants will again repeat the response below to avoid any further delays in prosecution of this application.

Claims 1-3, 9, 10 and 12-14 stand rejected under 35 U.S.C. 102(e) as being anticipated by Ananda (U.S. 6,385,731). Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ananda in view of Official Notice. These rejections are once again traversed.

A problem with conventional virtual metering is that customers, i.e., mailers, using a virtual postage metering system to evidence postage on mail have to obtain a meter license for a meter account with a dedicated origin zip code. This meant the mailer had to go through a registration process with the United States Post Office (USPS) and wait for approval from the USPS for a meter license before the mailer was allowed to print postage obtained over the Internet. This delay, due to the mailer having to wait for approval for a meter license from the USPS before being able to print

postage from a PC, can act as a deterrent to mailers to utilize PC postage. (Specification, paragraphs [0009] and [0023]).

The present invention alleviates the problems of the prior art by providing a system and method that allows instant metering of online postage. In accordance with the present invention, a mailer can print postage on a PC printer without having a meter license or meter account. In one embodiment, a meter account is licensed to a vendor (and not the individual mailer) for dispensing postage to customers from a plurality of origin zip codes. A vendor meter account 50 is located at a remote Data Center 30. The meter account 50, which is assigned to the vendor, dispenses postage payment evidence to a plurality of customers 25. (Specification, paragraph [0031]).

In view of the above, claim 1 recites a method for a vendor to dispense postage over a network to a remote personal computer that comprises "obtaining a meter license from the Post, said meter license being associated with a meter account assigned to the vendor, said meter account being maintained at a data center; receiving, via the network, a transaction request for postage from a customer using the remote personal computer, said transaction request including information from the customer, said information corresponding to the transaction requested and payment method; processing the requested transaction by requesting the data center to create evidence of postage payment and to account for the created evidence of postage payment in the meter account assigned to the vendor; effecting payment for the transaction based on the information received from the customer; receiving the evidence of postage payment created by the data center; and sending the evidence of postage payment to the remote personal computer for use by the customer." Thus, a mailer (customer) can print postage utilizing a meter account assigned to the vendor, and therefore the customer does not require a separate meter license or meter account.

In Ananda, in contrast, a user computer and a user printer, electronically connected to a PSD server and a USPS computer, constitute an on-line electronic postage meter. Fig. 18 of Ananda describes a user registration process. As detailed in Col. 27, lines 23-39, before a user can use the secure on-line metering system, the user

needs to obtain a license from the USPS. In step 1802, the user obtains a license from an authorized issuer. For example, local post offices can get authorized by the USPS to issue licenses to on-line postage metering system users. In another embodiment, a license applicant is required to submit an electronic license application containing his biographical information and financial information to PSD vender system 1210. USPS interface module 1312 in PSD vendor system 1210 then forwards the electronic application to USPS system 1220 for approval/rejection. When the license application is approved, user licensing module 1303 generates a license number for the user and adds the user license number to the licensee list in the database system 1213.

Thus, In Ananda the meter is licensed by the post to the customer and associated with a meter account assigned to the customer. This is in direct contrast with the present invention, in which a customer can print postage without having a meter license or meter account assigned to the customer, but instead utilizes a meter account assigned to the postage meter vendor.

There is no disclosure, teaching or suggestion in Ananda of a "meter license being associated with a meter account assigned to the postage meter vendor" as is recited in claim 1. The Office Action contends that Col. 22, lines 1-44, of Ananda disclose this feature. The passage relied upon by the Office Action is reproduced below.

PSD vendor system 1210 provides security-critical functions for users and comprises a user database. In FIG. 12, PSD vendor system 1210 has modem 1211, a PSD server 1212 connected to the modem 1211, and a database system 1213 connected to the PSD server 1212. The modem 1211 is connected to user system 1200 and USPS system 1220 to provide a hardware communication interface. Server 1212 contains the controller code portion of on-line postage metering program. Since the header code contained in user system 1200 needs inputs from the controller code to activate and operate the on-line postage metering software, a continuous link between PC 1201 and server 1212 must be established and maintained so that the header code in PC 1201 and the controller code in server 1212 can communicate with each other.

In one embodiment of the invention, server 1212 may be implemented by a personal computer or a workstation. Database system 1213 is a relational database that records postage purchased and used for each customer, including origin and destination information for each postage generated by the postage metering system. Server 1212 includes customer service software for on-line performance of customer service functions and various communication programs

for interfacing with user system 1200, USPS 1220, and USPS-approved institutions.

Nowhere in this passage is there any disclosure, teaching or suggestion of a meter license being associated with a meter account assigned to the vendor. This passage describes a portion of the hardware required to implement an on-line electronic postage meter. As noted above, the user in Ananda is required to obtain a meter license.

Furthermore, there is no disclosure, teaching or suggestion in Ananda of dispensing postage in response to a transaction request received by a postage meter vendor over the Internet from a customer that includes "processing the requested transaction by creating evidence of postage payment" and "accounting for the created evidence of postage payment in the meter account assigned to the postage meter vendor" as is recited in claim 1. The Office Action contends that Col. 5, lines 48-51 and Col. 22, lines 16-32 disclose these features. Col. 22, lines 16-32 are reproduced above, and Col. 5, lines 48-51 of Ananda are reproduced below.

In the postage metering embodiment, a licensed, registered user can send a request for a postage print to the PSD server including a desired amount of postage. In response, the PSD server verifies the fund to cover the requested amount of postage and grants the request. The user computer then sends an image of postal indicium for the granted amount to the user printer so that a postal indicium is printed on an envelope or a label.

Nowhere in either of these passages is there any disclosure, teaching or suggestion of "processing the requested transaction by creating evidence of postage payment" and "accounting for the created evidence of postage payment in the meter account assigned to the postage meter vendor" as is recited in claim 1. In Ananda, the user is required to obtain a meter license, and all transactions are performed using the user's account associated with the user's license.

For at least the above reasons, Applicants respectfully submit that claim 1 is allowable over the prior art of record. Claims 2, 3 and 9, dependent upon claim 1, are allowable along with claim 1 and on their own merits.

Claims 10 and 14 include limitations substantially similar to claim 1. For the same reasons given with respect to claim 1 above, Applicants respectfully submit that claims 10 and 14 are allowable over the prior art of record. Claims 11-13, dependent upon claim 10, are allowable along with claim 10 and on their own merits.

In view of the foregoing remarks, it is respectfully submitted that the claims of this case are in a condition for allowance and favorable action thereon is requested.

Respectfully submitted,

/Brian A. Lemm/
Brian A. Lemm
Reg. No. 43,748
Attorney for Applicants
Telephone (203) 924-3836

PITNEY BOWES INC.
Intellectual Property and
Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484-8000